

# STATE OF NEW YORK

6758

2021-2022 Regular Sessions

## IN ASSEMBLY

March 29, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the  
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring  
advertisements to disclose the use of synthetic media

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Section 396-b of the general business law, as added by  
2 chapter 1031 of the laws of 1965, is amended to read as follows:

3 § 396-b. Advertisements. 1. For purposes of this section, the follow-  
4 ing terms shall have the following meanings:

5 (a) "Synthetic media" means artificially-generated voice, images and  
6 videos created or modified through artificial intelligence algorithms  
7 that are created to produce or reproduce a human likeness.

8 (b) "Telemedia service providers" means service providers, which, for  
9 profit-making purposes, operate internet platforms that are designed to  
10 enable users to share any content with other users or to make such  
11 content available to the public through social media networks, includ-  
12 ing, but not limited to Facebook, YouTube, Twitter, Instagram, TikTok,  
13 Snapchat, Tumblr and Flickr.

14 2. Any person, firm, corporation or association, or agent or employee  
15 thereof, hereinafter called person, who, being engaged in the business  
16 of dealing in any property, makes, publishes, disseminates, circulates  
17 or places before the public or causes, directly or indirectly, to be  
18 made, published, disseminated, circulated or placed before the public,  
19 in this state, any advertisement respecting any such property, in any  
20 newspaper, magazine, or other publication, or over any radio station or  
21 television station, unless it is stated in any such advertisement that  
22 the advertiser is a dealer in such property or from the context of any  
23 such advertisement, it plainly appears that such person is a dealer in  
24 such property so offered for sale in any such advertisement; or when  
25 placing or causing any such advertisement to appear in any newspaper,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 magazine or other publication or radio or television station as  
2 described in this section, if requested by the publisher of any such  
3 newspaper, magazine or other publication or owner or operator of such  
4 radio or television station or any agent or representative thereof to  
5 file with such owner or operator, publisher, agent or representative  
6 thereof his true name, or where he is transacting business under a name  
7 other than the true name pursuant to law, then the name under which such  
8 business is transacted, and each business address wherein any business  
9 is transacted by him, in the class of property advertised or to be  
10 advertised for sale in such advertisement, shall make any false state-  
11 ment in relation to any of such items; or if requested by the publisher  
12 of any such newspaper, magazine or other publication or owner or opera-  
13 tor of such radio or television station or any agent or representative  
14 thereof to file with such owner, operator, publisher, agent or represen-  
15 tative thereof a statement showing whether he is causing such advertise-  
16 ment to appear or is offering to make such sale or disposition or trans-  
17 action, as herein set forth, as principal or agent, and if as agent, to  
18 set forth such information as is specified in this section, in relation  
19 to his principal as well as in relation to himself, shall make any false  
20 statement in relation to any of such items; is guilty of a misdemeanor.

21 3. Any person engaged in the business of dealing in any property or  
22 service who makes, publishes, disseminates, circulates or places before  
23 the public or causes, directly or indirectly, to be made, published,  
24 disseminated, circulated or placed before the public any advertisement  
25 respecting any such property or service, shall disclose in such adver-  
26 tisement if synthetic media is used to depict any models featured in  
27 such advertisement, and if synthetic media has been used, the advertise-  
28 ment shall include a disclaimer which clearly states that such models  
29 featured in such advertisement are synthetic and generated to create a  
30 human likeness. A violation of this subdivision shall result in a civil  
31 penalty of one thousand dollars for a first violation, and five thousand  
32 dollars for any subsequent violation.

33 4. Any person who is advertising or promoting a service or product  
34 through or in conjunction with a telemedia service provider on a social  
35 media network and who is using synthetic media in such advertisement  
36 shall include in such advertisement a disclaimer which clearly states  
37 that such models are synthetic and generated to create a human likeness.  
38 A violation of this subdivision shall result in a civil penalty of one  
39 thousand dollars for a first violation, and five thousand dollars for  
40 any subsequent violation.

41 § 2. This act shall take effect immediately.